

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pro-Life Action
Ministries, Lucy Maloney,
Thomas Wilkin, and Debra
Braun,

Plaintiffs,

v.

Case No.
23-CV-853 (ECT/DJF)

City of Minneapolis, a
Minnesota municipality,
Defendant.

DEPOSITION OF
LUCY MALONEY

Monday, June 17, 2024
9:41 a.m. to 4:49 p.m.

Pages 1 to 213

LOCATION

Minneapolis City Attorney's Office
City Hall, Room 210
350 South Fifth Street
Minneapolis, Minnesota 55415

JOB NO.: MW 6751914
REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

A P P E A R A N C E S

ON BEHALF OF PRO-LIFE ACTION MINISTRIES, LUCY
MALONEY, THOMAS WILKIN, AND DEBRA BRAUN:

THOMAS MORE SOCIETY

BY: B. Tyler Brooks, Esq.
309 West Washington Street
Suite 1250
Chicago, Illinois 60606
Phone: (312) 782-1680
Email: TBrooks@ThomasMoreSociety.org

ON BEHALF OF CITY OF MINNEAPOLIS, A MINNESOTA
MUNICIPALITY:

MINNEAPOLIS CITY ATTORNEY'S OFFICE

BY: Munazza Humayun, Esq.
Tracey N. Fussy, Esq. (until 4:12 p.m.)
City Hall, Room 210
350 South Fifth Street
Minneapolis, Minnesota 55415
Phone: (612) 673-3000
Email: Munazza.Humayun@MinneapolisMN.gov
Email: Tracey.Fussy@MinneapolisMN.gov

ALSO APPEARED:

Thomas Wilkin (until 12:29 p.m.)
Sara Braun (until 12:29 p.m.)

I N D E X

WITNESS: LUCY MALONEY	PAGE
Examination by Ms. Humayun.....	4

CAUTION or INSTRUCTIONS NOT TO ANSWER: (None.)

SPECIAL INSTRUCTIONS or REQUESTS: (None.)

E X H I B I T S

EXHIBITS MARKED AND FIRST REFERRED TO:	PAGE
Exhibit 1 Amended Complaint, page 15	60
Exhibit 2 Amended Complaint, page 17	63
Exhibit 3 Photocopy of blue and white pamphlets	87
Exhibit 4 Amended Complaint, pages 7, 8, 9, and 10	121
Exhibit 5 Amended Complaint, Exhibit 1, Ordinance	180
Exhibit 6 Amended Complaint, page 21	180

(Exhibits to be attached to transcript.)

REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

1 (PROCEEDINGS, 06/17/2024, 9:41 a.m.)

2 LUCY MALONEY,

3 duly affirmed, was examined and testified as follows:

4 EXAMINATION

5 BY MS. HUMAYUN:

6 Q. Good morning, Ms. Maloney. Thank you for
7 coming in. I'm Munazza Humayun. Again, I'm with
8 the Minneapolis City Attorney's Office, and I'm
9 here with my co-counsel, Tracey Fussy, and we
10 represent the City of Minneapolis in this lawsuit,
11 PLAM versus City of Minneapolis.

12 I'll be asking you questions today, and I'm
13 going to start with some background questions about
14 you and about your experience with depositions and
15 the litigation in general, and then we'll move on
16 to the subject of the lawsuit.

17 And we can take a break at any time. You
18 just let me know when you need a break, and we'll
19 try to break at the most convenient, closest point.
20 The only things we will not be able to take a break
21 when there's a question before you that you haven't
22 answered.

23 Does that make sense?

24 A. Yes.

25 Q. Perfect. Can you please say and spell your

1 first and last name for the record.

2 A. Lucy, L-u-c-y, Maloney, M-a-l-o-n-e-y.

3 Q. All right. Have you ever been deposed
4 before?

5 A. No.

6 Q. I'm sure your counsel has explained the
7 process to you, but I'm going to go over some rules
8 just to make sure we both understand. I'm going to
9 be asking you a series of questions, and you are to
10 answer them as accurately and as completely to the
11 best of your ability.

12 Do you understand that?

13 A. Yes.

14 Q. Have you taken any medication or any other
15 substance that might affect your ability to give
16 truthful and accurate testimony today?

17 A. No.

18 Q. Is there any other reason that your memory
19 might be affected today or that you might not be
20 able to give truthful or accurate answers today?

21 A. No.

22 Q. Okay. Is there -- sorry.

23 So I am soft-spoken, and I'm sitting as
24 close to the court reporter, Merilee, as possible,
25 for that reason. I can sense you are also a bit

1 A. It also says in 405.20, number 1, it says,
2 "When crossing the driveway completely from one
3 side of the driveway to the other without stopping
4 or slowing and continuing into a destination beyond
5 the furthest lot line of the reproductive
6 healthcare facility."

7 And I really don't know where the furthest
8 lot line is. I've also just had to guess in that.
9 So it's possible I have unknowingly violated the
10 ordinance, but to the best of my knowledge and
11 ability, I have not.

12 Q. Okay. At any of the other locations where
13 you've done sidewalk counseling besides the Uptown
14 Planned Parenthood, are you aware of any ordinance
15 or state law that contains similar prohibitions
16 that affect those other locations?

17 A. Other than -- nothing, like, specific to a
18 reproductive facility other than the FACE law on
19 the federal level. And for city ordinances, at
20 least, I believe, in Minneapolis, it's an ordinance
21 you can't block sidewalks or driveways and prevent
22 people from moving freely on those.

23 So that is just reasonable common sense in
24 place. And I would expect it's probably in place
25 where the other locations are, but I don't know.

1 Or a similar ordinance that states that you cannot
2 block driveways or sidewalks and physically impede
3 people from moving along them.

4 Q. And the locations that you mentioned where
5 you've done sidewalk counseling, are they all
6 facilities where abortions are performed, to the
7 best of your knowledge?

8 A. To the best of my knowledge, yes.

9 Q. Okay. Have you done sidewalk counseling
10 outside any building where you don't have reason to
11 believe abortions are performed?

12 A. No, I don't recall doing that.

13 Q. How about prayer rallies? Have you done --
14 have you participated in a prayer rally outside
15 buildings where you don't have reason to believe
16 abortions are offered?

17 A. Are you talking about a prayer rally where
18 we're praying for an end to abortion?

19 Q. Correct.

20 A. I mean, prayer rallies at the capitol --

21 Q. Okay.

22 A. -- for legislative reasons.

23 Prayer gatherings within churches. Prayer
24 gatherings at a cemetery where there are aborted
25 children who were buried.